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REMARKS

Claims 1-10, 15-19, and 29-39 remain pending.

In the Office Action, the Examiner rejected claims 1-10, 15-19, and 29-40 under obviousness-type double patenting over Fritzinger et al. (U.S. Patent No. 6,208,724); and rejected claims 1-10, 15-19, and 29-40 under 35 U.S.C. § 102(e) as being anticipated by Walsh et al. (U.S. Patent No. 5,642,410).

The concurrently filed terminal disclaimer obviates the double patenting rejection. Applicants do not, however, necessarily acquiesce to the Examiner's characterizations of the pending claims on page 2 of the Office Action. The pending claims are merely different in scope and, for example, may be broader in some respects and narrower in others than the claims in Fritzinger et al. Because it appears that claim 40 was intended to be canceled by preliminary amendment (e.g., it does not appear in the accompanying rewritten claims filed on March 24, 2001), this claim has been canceled.

Regarding the § 102, Applicants initially note that the Examiner has not read any of the pending claims with particularity on Walsh et al. Citing the better portion of cols. 11-13 of Walsh et al. without showing where the elements of the claims are allegedly disclosed does not meet the Examiner's initial burden of making a *prima facie* case of anticipation. It also forces Applicants to guess at the components of Walsh et al. which the Examiner considers to anticipate the claimed elements. Applicants respectfully remind the Examiner that under 37 C.F.R.

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§ 104(c)(2) "the particular part [of the reference] relied on must be designated as nearly as practicable," and respectfully request that, in any subsequent actions containing art rejections, the claim elements be read upon particular components of the reference(s).

Applicants respectfully traverse the § 102(e) rejection of independent claims 1, 7, 15, 29, and 34 over Walsh et al. Claim 1 requires, *inter alia*, "a virtual phone generic configurable interface . . . to convert the protocol of said telephone switch and the protocols of applications associated with the operation of said switch and said communication device into a common protocol format to enable communication between said switch and said communication device." Claims 7 and 29 require similar elements. Claim 15 requires, *inter alia*, "utilizing said virtual phone generic configurable interface to convert the protocol of said telephone switch and the protocols of applications associated with the operation of said telephone switch and said communication device into a common protocol format to enable communication between said telephone switch and said communication switch." Claim 34 requires a similar element. Walsh et al. fails to teach the above quoted elements of independent claims 1, 7, 15, 29, and 34, respectively.

Page 3 of the Office Action alleges that the above-quoted elements of claims 1, 7, 15, 29, and 34 are taught by col. 2, lines 52-55 and col. 11, line 13 to col. 13, line 55 of Walsh et al. Addressing the larger portion first, col. 11, line 13 to col. 13, line 55 of Walsh et al. appears to describe the state machine shown in Figs. 20A-23D. This state machine does not, however, "convert" various protocols "into a common protocol format," as set forth in the claims. As disclosed on col. 12, lines 52-54, of Walsh et al., "the run time portion of the invention is

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completely 'event driven', and the actions that are taken based upon the event are embodied in the State Machine." Walsh et al. merely discloses a state machine changing states in reaction to events, and does not disclose "convert[ing] the protocol of said telephone switch and the protocols of applications associated with the operation of said switch and said communication device into a common protocol format," as set forth in claim 1, for example.

Nor does the other cited portion of Walsh et al. teach these claimed elements. Col. 2, lines 52-55, of Walsh et al. provide:

It is a further object of this invention to provide such a computer-telephone integration system which uniformly processes incoming and outgoing telephone calls independent of the different switching device command protocols established by the telephone switch manufacturer.

This portion also does not disclose conversion of various protocols "into a common protocol format," as claimed. The object of processing calls independent of command protocols is accomplished by the state machine in Figs. 20A-23D of Walsh et al. As explained above, the state machine does not convert the protocols. It merely reacts to events by changing state. Hence, the cited portions of Walsh et al. do not teach, explicitly or implicitly, the above-quoted elements of independent claims 1, 7, 15, 29, and 34.

Dependent claims 2-6, 8-10, 16-19, 30-33, and 35-19 are allowably at least by virtue of their respective dependence from independent claims 1, 7, 15, 29, and 34.

Applicants submit that claims 1-10, 15-19, and 29-39 are allowable over the applied art. Reconsideration and allowance of these claims is respectfully requested.

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In the event that any outstanding matters remain in this application, Applicants request that the Examiner contact Alan Pedersen-Giles, attorney for Applicants, at the number below to discuss such matters.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 02-2666 and please credit any excess fees to such deposit account.

Respectfully submitted,

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